

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Kenneth Hayes

Docket No. 7:21-CR-37-1M

Petition for Action on Supervised Release

COMES NOW Jared Britt, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Kenneth Hayes, who, upon an earlier plea of guilty to Count 1 - Conspiracy to Possess With Intent to Distribute and Distribute 100 Grams or More of Heroin, in violation of 21 U.S.C. §§ 846 and 841(a)(1); Counts 2-4 - Distribution of a Quantity of Heroin, in violation of 21 U.S.C. § 841(a)(1); and Count 5 - Possession With Intent to Distribute a Quantity of Heroin and 50 Grams or More of a Mixture or Substance Containing a Detectable Amount of Methamphetamine, in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable Richard E. Myers II, Chief United States District Judge, on August 11, 2022, to the custody of the Bureau of Prisons for a term of 66 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. Kenneth Hayes was released from custody on August 20, 2024, at which time the term of supervised release commenced.

On November 6, 2024, a violation report was submitted to the court reporting the defendant's use of marijuana. At that time, supervision was continued to allow for further treatment.

On January 7, 2025, a violation report was submitted to the court reporting the defendant use of marijuana on two separate occasions. At that time, supervision was continued to allow for further treatment.

On January 31, 2025, a Petition for Action on Supervised Release was submitted to the court reporting the defendant's use of marijuana. At that time, the court modified the defendant's conditions of release to include 45 days curfew with location monitoring.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On February 4, 2025, the defendant submitted a urine sample that tested positive for marijuana. This sample was confirmed positive by the national lab on February 13, 2025. The defendant has been verbally reprimanded for his illegal drug use. He is active in his treatment program and his clinician is supportive of the proposed plan to continue working toward sobriety. He attends drug testing as scheduled and has been honest about any instances of use.

Pursuant to 18 U.S.C. § 3583(d), the court shall consider whether the availability of appropriate substance abuse treatment programs, or a person's current or past participation in such programs, warrants an exception to 18 U.S.C. § 3583(g)(4) when considering any action against a defendant who fails a drug test while on supervised release. As the defendant is actively engaged in a treatment program, and considering 18 U.S.C. § 3583(d), the probation office respectively recommends the defendant be permitted to continue supervision in lieu of revocation at this time. In response to his continued substance use, it is recommended that the defendant's conditions be modified to include 60-days curfew with home incarceration on Sundays utilizing location monitoring technology. This term of location monitoring would replace the term of location monitoring previously imposed by the court. Any subsequent substance use will be reported to the court. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The person under supervision shall participate in the Location Monitoring Program for a period of 60 days utilizing Radio Frequency technology and shall abide by all technology and program requirements. The person under supervision is restricted to his residence Monday to Saturday from 1 a.m. to 10 a.m. (Curfew), and Sunday at all times except for medical necessities, court appearances or other activities specifically approved by the probation officer (Home Incarceration). The person under supervision shall pay none of the costs of participation in the location monitoring program. This term of location monitoring would replace the term of location monitoring previously imposed by the court.

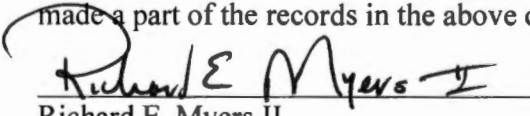
Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Jared Britt
Jared Britt
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2549
Executed On: February 25, 2025

ORDER OF THE COURT

Considered and ordered this 26th day of February, 2025, and ordered filed and
made a part of the records in the above case.


Richard E. Myers II
Chief United States District Judge